IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLN.NO.627 OF 2007

Mr.Bharat Sohanlal Jain ..Applicant
Vs.
State of Maharashtra ..Respondents

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Mr.Meghashyam Kocharekar counsel for applicant
Mr.S.R.Shinde A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : MARCH 20, 2007

P.C.

1. Heard the learned counsel for the applicant and the learned A.P.P. for the State. 2. The applicant is seeking anticipatory bail in C.R.No.15 of 2007 of L.T.Marg Police Station. The said case is under Sections 406 and 420 of IPC. It is the prosecution case that the complainant Hirachand Jain and his brother are dealing in gold ornaments and having shop at Zaveri Bazar. It is the prosecution case that the applicant approached Suraj Jain and stated that he is going to open new shop and he needs gold ornaments. Suraj Jain approached the complainant Hirachand Jain stating that a party wanted to set up a shop and he needed gold ornaments. Accordingly, the complainant handed over gold ornaments worth approximately Rs.8.5 lakhs which was handed over by Suraj Jain to

the applicant. However, thereafter, the applicant did not pay for the gold nor returned the gold. Two other witnesses i.e. Vishwanath Manna and Nahar Jana have stated that the same modus operandi was used to take gold ornaments from them by the applicant. Prima facie, the material shows the involvement of the applicant in the crime and the custody of the applicant would be necessary for recovery of the ornaments and to properly investigate the matter and find out whether the applicant has committed other similar offences. Hence, I do not think that this is not a fit case to grant anticipatory bail. Application for anticipatory bail is rejected.

3. At this stage, the learned counsel for the applicant states that the applicant is undergoing treatment for piles and he is to operated for the same. Hence, he seeks 12 days time to surrender. The applicant is granted 12 days time to surrender before the Investigating Officer. It is made clear that no further time will be granted.

4. Application is disposed of.

[V.K.Tahilramani, J.]